UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1993/NGO/3
9 November 1993

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Ninth session
22 November-10 December 1993

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the Women's International Leaque for Peace and Freedom, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[1 November 1993]

GE.93-19233 (E)

Exclusion of important facts from the German report to the Committee on Economic, Social and Cultural Rights (E/1990/7/Add.12)

1. The main problem with the report mentioned is that it makes no reference whatsoever to German unification and the problems resulting. No examples have been taken from the eastern Laender of Germany. Dealing with social and cultural rights of national minorities the Government simply forgot about the fact that there is not only a Danish minority living in the west of Germany but a Sorb minority as well living in the east.

2. There are several difficulties in the east of Germany concerning the rights stipulated in articles 13 to 15. To quote some facts:

Constitutional debate

3. According to article 5 of the Unification Treaty a committee for the review of the Grundgesetz (Constitution) was established. Amongst other problems, the inclusion of social rights - at least rights of a programmatic character - was discussed. But those debates did not result in change to the Constitution. The main argument was that social rights could never be enforceable. In a letter to the members of the Committee dated 5 March 1992, the German League for Protection and Promotion of Human Rights stated that this argument was not convincing as long as the proposals made in the German Democratic Republic Round Table draft constitution were not refuted. It had been a main concern of the draft to extricate an enforceable core of each of the social rights. Amongst the answers the League received there was not a single one which took note of this argument. 1/

4. The failure of the constitutional committee to introduce certain changes into the Constitution in accordance with the international obligations of Germany in the field of social rights is all the more disappointing since it was possible to cut down at the same time the right to asylum.

Right to education: apprenticeships

5. In June this year - the time when pupils left school - there were still 56,500 applications for apprenticeship for which there were no places. 2/ In the Land of Brandenburg for every apprenticeship position filled there were 1.7 applicants who were not placed. In the town of Eberswalde, which has received national attention for growing violence against immigrants, the ratio was 1 to 2.4. 3/ According to research done in 1992 the chances of east German girls getting apprenticeship placements are three times lower than those of boys. 4/ The Federal Government has belatedly established a programme in September adding some 10,000 positions, but that failed to meet the needs of another 10,000 still without placement at that time. In a country where formerly an apprenticeship place for every girl and boy was guaranteed by the Constitution and in practice, this is a deplorable step backwards.

Legal positions of teachers

6. Differences in the systems of educating teachers in East and West Germany are now used as a pretext for discriminating against teachers in the east of Germany.

(a) The certificates of teachers having studied in the German Democratic Republic are not accepted as being of the same value as those of other German teachers. In Berlin, for example, eastern trained teachers have to attend "voluntary" courses to qualify for elementary teaching jobs they previously had, and to gain the same job security and career advancement as elsewhere in Germany. 5/

(b) There are plans to restrict the validity of certificates issued for teachers in the east of Germany to the territory of the former German Democratic Republic, whilst the same is not true for their western colleagues who can teach anywhere. 6/

(c) A document prepared by the Federal Government concerning the payment of teachers, 7/ if implemented, would result in a perpetual underpayment of a large part of the teachers in the east of Germany. It would affect teachers in schools with pupils needing special help for learning. The same is true for teachers at the elementary level. The greatest effect would be for teachers at technical schools.

7. There is probably no other professional area where differences between east and west are institutionalized similarly.

Political discrimination against teachers

8. The number of teachers in the east of Germany is being reduced and there is strong evidence of political discrimination. In Saxony alone, more than 9,000 teachers were fired. The Kultusstaatssekretaer - a post which compares to a deputy minister - of the Land of Saxony, Wolfgang Nowak, declared that the firing of teachers was based on a "functional theory" which targeted former headmasters, school administrators and party secretaries. Qualifications were not considered. Meanwhile, there remains an urgent need for teachers in Saxony. In spite of this admission, the Kultusstaatssekretaer declared that this policy would be continued. 8/

Right to take part in cultural life

9. The possibilities of being culturally active have been reduced drastically, mainly by the introduction of new financial and administrative structures. For example, one out of two cinemas and one out of four libraries were closed down. 9/ The Museum of German History (in the east of Berlin) was taken over by the German Historical Museum (in the west of Berlin). All scientific and many technical employees were dismissed: nearly 200 people. Amongst them are Eva Fischer, the head of the restoration section, and Michael Horn, responsible for the history of the labour movement and antifascist resistance, who himself is a victim of Nazi-Fascist persecution. The German Historical Museum was solely interested in the remarkably valuable

collection of unique exhibits, as well as the building. It seemed to be uninterested in the cultural or historical meaning of the exhibits to the people of east Germany.

Participation in scientific life

10. According to figures issued by the Federal Government, of the 195,000 people who worked in the German Democratic Republic in the fields of research and teaching at the university level, by the end of 1992 only 12.1 per cent were still in full-time employment: 10/ 70,000 academically skilled people are unemployed now. 11/ The reduction of scientific work is reflected by the number of patents developed in the east of Germany. In 1988 there were 66 patents per 100,000 inhabitants; the numbers for the following years were 61 (1989), 28 (1990), 12 (1991), 10 (1992). 12/ Women are more affected than men. At the University of Jena the ratio of women amongst the professors decreased from 9 to 3 per cent between 1989 and 1993. 13/ This is true also for other universities. The number of female professors at Humboldt University, Berlin decreased by about 50 per cent between 1990 and 1992. 14/

Discriminatory evaluation proceedings

11. All scientists had to be evaluated on the basis of the official political lines and their scientific qualification. In the evaluating committees there was hardly any representative of eastern background.

12. Just one major example: The Institute for International Studies at Leipzig University was only evaluated by one professor, coming from Trier (west of Germany) and acting on behalf of the Saxon Government. He lacked any knowledge about the history or the results of that Institute which had a strong reputation within UNESCO. Nevertheless, he told the members of the Institute that they were lazy, that the Institute was a "corpse" and that the time had passed to get a lot of money for doing nothing. 15/ There was no individual evaluation or due process at all.

13. In connection with the fact that east German researchers are prevented from participating in scientific life, the argument is often used of their "Staatsnaehe" (proximity to the GDR regime). It is remarkable that in Saxony there existed a "black list" of 884 scientists edited by the Minister of Sciences and Arts in November 1992. Because of their "Staatsnaehe" the persons listed there may not be appointed to a post in a Saxon high school or university. After stormy protests this black list was withdrawn with the remark that its purpose has been attained. 16/

14. The general problem was discussed in the first report of the European Parliament on respect for human rights, namely under the item "political discrimination" (9 March 1993). Answering a related question by Mr. Keller, a member of the Bundestag, Mr. Funke said, in the name of the Government, that the problem fell mainly into the competence of the Laender, that there was no political discrimination and that the report was based on incorrect analyses. This statement, delivered during the debates of the Bundestag on 24 March 1993, does not promote confidence in an adequate reaction of the German Government to international criticism.

Self-government

15. It is an important rule of constitutional law in Germany that universities are self-governed institutions. The right to academic freedom is crucial but was not accorded to scientists in the east of Germany. According to the relevant Thuringian law 17/ only those professors are permitted to participate in the self-governing bodies who have been appointed after unification by the Minister for Science and Culture (paras. 123, 38). Similar rules are to be found in the other Laender in the east of Germany. 18/ There are no official figures, but because of the fact that practically all posts were made available for application one can presume that most of the newly-appointed professors came from western Laender.

*****

16. The situation after "unification" in the fields of science, culture and education was described by the former member of the Human Rights Committee and the International Law Commission, Mr. B. Greafrath, as follows:

> "In connection with the 'annexation' not only the scientific, but also the economic and social potential of the GDR was systematically eliminated or left to wither. The State of the GDR was criminalized after its disappearance. That makes it clear that the process described did not just happen by chance. We are confronted with a systematic intention to exclude any possibility of recognizing that there are developments or things in the GDR which would be of any use to a unified Germany." 19/

Notes

1/ One example of such an answer without any substantial argumentation was that of Mr. Norbert Geis, Member of the Bundestag, in his letter dated 6 April 1992:

> "There is a Constitution valid for the whole of Germany which has proved its outstanding quality over 40 years in the western part of Germany. The people in the former GDR, who streamed in November 1989 out of the churches onto the streets and implemented - with candles in their hands - the peaceful revolution, wanted above all the order guaranteed by the Grundgesetz."

2/ Gisela Helwig. Ausbildungsnotstand, in Deutschland Archiv 8/93, p. 881.

3/ Statistics of the Landesarbeitsamt Berlin-Brandenburg of 12 August 1993.

4/ See note 1.

5/ Information from the Senat of the Land of Berlin "zur Weiterbildung zum Erwerb der Befaehigung 'Amt des Studienrats'".

6/ Fuer die Gleichwertigkeit der Lehraemter in Ost und West. Demands of the Trade Union for Education and Science, Frankfurt/M. 1993, p. 5.

7/ Ilse Schaad, Bundeslaender zementieren Ungleichheit, in bIz 9/93, p. 26.

8/ Inquiry Committee in the Saxon Landtag.

9/ Gruening/Grasnich (ed.), Einigungsvertrag - Muster ohne Wert?, Berlin 1993, p. 74.

10/ Gesellschaft zum Schutz von Buergerrecht und Menschenwuerde, Weissbuch "Unfrieden in Deutschland" vol. 2, Berlin 1993.

11/ According to estimates by the trade unions.

12/ Deutsches Patentamt, IZU 93 08 93.

13/ Angelika Fritsche, Ein Handicap zuviel, in Sueddeutsche Zeitung, 29 May 1993.

14/ Law 6 to 2; economics 8 to 1; theology 3 to 0; pedagogics 6 to 5; social sciences 4 to 1; rehabilitation 10 to 5 (1992); philosophy/library sciences/history 8 to 1; culture and arts 11 to 4; germanics 6 to 4; philology 14 to 11 (1992); mathematics 2 to 1; physics 3 to 0; electronic techniques 3 to 1; communications 0 (1992) to 1; biology 2 to 0; chemistry 0 to 0; psychology 3 to 4; pharmacy 2 to 1; geography 2 to 1; Museum of Natural History 0 to 0; agriculture 7 to 0.

15/ "Mit eisernen Besen oder mit Augenmass", Leipziger Volkszeitung, 15 April 1991.

16/ Proceedings of the Landtag of Saxony, 1993.

17/ Gesetz- und Verordungsblatt fuer das Land Thueringen, 7 July 1992, p. 315 et seq.

18/ Gesetz zur Ergaenzung des Berliner Hochschulgesetzes, GVbl 1991, p. 176, 8 to 10.

19/ Oral contribution to a conference in Frankfurt/O. on 28 September 1993.